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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY HOLGUIN,  
Plaintiff,

No. C 05-01118 CRB  
**ORDER**

v.  
MICHAEL HARRISON, in his capacity as  
Warden of the California State Prison, Los  
Angeles County, in Lancaster,  
Defendant.

For the Northern District of California  
By Order dated September 16, 2005, the Court granted the petition for habeas corpus  
on the ground that petitioner's Miranda rights were violated and that such error was not  
harmless. The State has advised the Court in writing that petitioner may move to suppress  
his statements made *after* he was read his Miranda rights if the State retries him.  
Accordingly, the Court DISMISSES petitioner's claims for ineffective assistance of counsel  
as moot.

**IT IS SO ORDERED.**

Dated: October 5, 2005

  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

**United States District Court**

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For the Northern District of California